

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                      |   |                                |
|--------------------------------------|---|--------------------------------|
| <b>IN RE: NATIONAL PRESCRIPTION</b>  | ) | <b>MDL 2804</b>                |
| <b>OPIATE LITIGATION</b>             | ) |                                |
|                                      | ) | <b>Case No. 1:17-md-2804</b>   |
| <b>THIS DOCUMENT RELATES TO:</b>     | ) | <b>Judge Dan Aaron Polster</b> |
|                                      | ) |                                |
| <i>ALL THIRD PARTY PAYOR ACTIONS</i> | ) |                                |

**INTERIM SETTLEMENT CLASS COUNSEL'S  
NOTICE OF FILING FINAL OPT-OUT REPORT**

Pursuant to the Court's Order Granting Third Party Payor Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Direction of Notice Under Federal Rule of Civil Procedure 23(e) (ECF 5616, at 8), attached hereto as Exhibit A is the Final Opt-Out Report.

No litigating MDL 2804 Third Party Payor ("TPP") Plaintiff opted out of or filed an objection to the proposed settlement. There is 100% participation by the MDL TPP Plaintiffs.

This report includes an additional 62 entities not included in the Opt-Out Report (ECF 5772) or the Supplemental Opt-Out Report (ECF 5775). Fifty-nine of these additional entities submitted opt-out requests to incorrect email addresses (info@TPPOpioidsettlement.com and OptOut@TPPOpioidSettlement.com) rather than the correct email addresses (info@TPPOpioidsettlement.com and OptOut@TPPOpioidSettlement.com) prior to the extended opt-out deadline, and were not submitted by mail prior to the extended opt-out deadline. Interim Settlement Class Counsel and Settling Distributors agree to deem these 59 opt-out requests as timely as if they were sent to the correct email addresses and received by mail by the opt-out deadline, subject to Court approval. Some of these entities may not be class members and/or may have released their claims in prior settlements. The parties reserve all rights in those and other respects except as explicitly set forth herein.

Opt-out requests for three entities were submitted after the extended opt-out deadline. Two of these entities' opt-out requests (IBEW 126 Health & Welfare Fund and OPCMIA 526 Combined Funds, Inc.) were emailed to TPP Plaintiffs' Executive Committee Representative James Dugan on December 2, 2024, after the extended opt-out deadline, and were not sent to the opt-out email addresses. The Notice Administrator received the mailed forms on December 6, 2024. The third opt-out request, from Big Spring School District, was received by the Notice Administrator on December 4, 2024 by email and on December 6, 2024 by U.S. mail. Interim

Settlement Class Counsel and Settling Distributors reserve their rights to challenge these three purported opt-outs as untimely, and reserve all other rights.<sup>1</sup>

DATED: December 19, 2024

Respectfully submitted,

/s/ Peter H. Weinberger

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Fund*

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<sup>1</sup> Interim Settlement Class Counsel will separately respond to the Motion for Approval of Opt Outs From TPP Class Action Settlement, or in the Alternative, for Leave to File Late Objections (ECF No. 5824).

/s/ Elizabeth J. Cabraser

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/s/ James R. Dugan, II

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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 19, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court's CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger  
Plaintiffs' Liaison Counsel